IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 979 of 2003 (M/B)

Devendra Singh Bisht
S/o Late Mahesh Singh Bisht
R/o Village Malli Deoria,
Post Office Deoria,
Distt. Udham Singh Nagar -----Petitioner

Versus

State of Uttaranchal,
through Secretary,
Nagar Vikas, Govt. of Uttaranchal
at Dehradun and others. -----Respondents.

Sri B.D. Upadhayaya, Advocate for the petitioner,
Sri N.B. Tiwari, C.S.C. for the respondent nos. 1 and 2
Sri S. S. Chauhan, Advocate for the respondent no. 3.

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal. J.

Date: 21.10.2003:

PC:-

There is no merit in the petition. The petitioner is the grand-son of the freedom fighter. The shop cannot be allotted to the grand-son of the freedom fighter because under the Government Order, freedom fighter alone is entitled to the allotment provided he has no other residential house to stay. Secondly, in this case the competent authority to make allotment is the Board. No such promise has been made by the competent authority. The letter dated 16.10.2003 is only recommendatory. It is not from the competent authority. Lastly, the judgment of the Allahabad High Court in the case of Tara Prasad Misra Vs. State of U.P. and others reported in (1990) 2 UPLBEC page 905, was concerning transfer of a Pharmacist in the Government hospital. It has no application to the facts of the present case where allotment of the shop is sought on the ground that the petitioner is the grand-son of freedom fighter.

Hence, the writ petition is rejected.

(M.M. Ghildiyal. J.) **(S.H. Kapadia, C.J.)**

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